

ELECTRONICALLY FILED

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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SYMBOL TECHNOLOGIES, INC. :

Plaintiff, :

- against - :

03-CV-2034 (NGG)(CLP)

JEROME SWARTZ, HARVEY P. MALLEMENT, :  
RAYMOND R. MARTINO, GEORGE  
BUGLIARELLO, CHARLES B. WANG, TOMO :  
RAZMILOVIC, LEO A. GUTHART, JAMES  
SIMONS, SAUL P. STEINBERG, LOWELL :  
FREIBERG, :

**RULE 41(a)(1) NOTICE OF  
VOLUNTARY DISMISSAL  
WITHOUT PREJUDICE**

Defendants. :

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WHEREAS, no Defendant has answered nor moved for summary judgment herein; and

WHEREAS, by Order dated September 9, 2004 (the "Order") this Court deemed  
Defendants' Motion to Dismiss withdrawn and granted Plaintiff thirty days to file either an  
amended complaint or to dismiss this action and pursue these claims in the already pending  
action in Delaware Chancery Court,

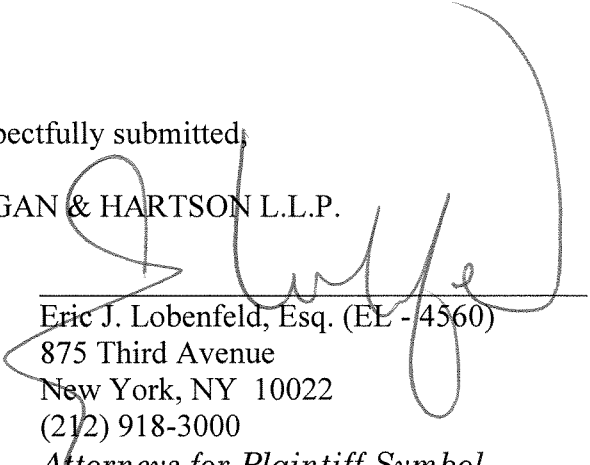
NOW THEREFORE, Plaintiff Symbol Technologies, Inc. hereby voluntarily dismisses without prejudice the Complaint herein pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure and the Order.

Dated: October 5, 2004

Respectfully submitted,

HOGAN & HARTSON L.L.P.

By:



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*Attorneys for Plaintiff Symbol  
Technologies, Inc.*